

EXHIBIT C

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UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

Case No. 2:19-md-02904-MCA-MAH

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IN RE: AMERICAN MEDICAL COLLECTION:

AGENCY, INC., CUSTOMER DATA

SECURITY BREACH LITIGATION

2

March 13, 2023

10:07 a.m.

Norwich, NY

VIDEOTAPED VIRTUAL AND REMOTE

DEPOSITION UPON ORAL EXAMINATION OF JENNIFER

KAIN, held at the above-mentioned time and place.

before Randi Friedman, a Registered Professional

Reporter, within and for the State of New York.

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1 APPEARANCES:

2 SEEGER WEISS, LLP
3 Attorneys for Plaintiffs
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5 550 Broad Street, Suite 920
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7 BY: CHRISTOPHER AYERS, ESQ.
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35 (Appearances continued.)

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1 (Appearances continued.)

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11 BY: JEFF SPIEGEL, ESQ.
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20

21 ALSO PRESENT:

22

23 Nathaniel Armstrong - Videographer
24 Alexa Pastor - Concierge
25 Steve Overturf, Esq.

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1 related to any party in this action, nor am 10:08:39
2 I financially interested in the outcome. 10:08:41

3 If there are any objections to 10:08:43
4 proceeding, please state them at the time of 10:08:44
5 your appearance. 10:08:47

6 Counsel and all present, including 10:08:48
7 remotely -- are we representing on the 10:08:51
8 stenographic record or reading in -- will 10:08:55
9 now state their appearance and affiliation 10:08:58
10 for the record, beginning with the noticing 10:09:02
11 attorney. 10:09:03

12 MR. AYERS: Chris Ayers from 10:09:04
13 Seeger Weiss, on behalf of plaintiffs. 10:09:08

14 MR. VIDEOGRAPHER: All counsel 10:09:22
15 will be noted on the stenographic record. 10:09:23

16 Would the court reporter please 10:09:25
17 swear or affirm the witness. 10:09:26

18 * * * 10:09:26

19 JENNIFER KAIN, the witness herein, 10:09:26
20 having been duly sworn, was examined and 10:09:26
21 testified as follows: 10:09:26

22 * * * 10:09:26

23 EXAMINATION 10:09:39

24 BY MR. AYERS: 10:09:39

25 Q Good morning, Ms. Kain. How are you? 10:09:40

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1 stop sending medical information to AMCA? 10:19:00

2 A Well, they stopped placing altogether, 10:19:04
3 and I assume it was because of the data breach. 10:19:06

4 Q Okay. So they stopped sending 10:19:08
5 placement files altogether? 10:19:10

6 A Yeah. 10:19:15

7 Q Was there any time period when Quest 10:19:15
8 stopped sending medical information in its 10:19:17
9 placement files? 10:19:19

10 A No. 10:19:21

11 MS. SULTANIAN: Object to form. 10:19:21

12 THE WITNESS: I think it came the 10:19:23
13 entire time. 10:19:24

14 BY MR. AYERS: 10:19:24

15 Q And the services that AMCA provided to 10:19:25
16 Quest were collection services; correct? 10:19:30

17 A Correct. 10:19:33

18 Q And AMCA didn't provide any 10:19:34
19 administrative services to Quest? 10:19:37

20 MS. SULTANIAN: Object to form. 10:19:40

21 THE WITNESS: There were 10:19:43
22 administrative services, but we did put 10:19:43
23 together insurance claim forms, hence the 10:19:46
24 reason for needing this data. 10:19:49

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1 BY MR. AYERS: 10:19:50

2 Q What was the time period when Quest 10:19:51
3 would provide -- when AMCA provided medical 10:19:52
4 claims forms? 10:19:56

5 A My expire employment. 10:19:57

6 Q So your understanding is that Quest 10:19:59
7 provided -- submitted medical claims forms for -- 10:20:01

8 A No, they gave us the data and we 10:20:05
9 submitted the medical claim forms. 10:20:07

10 Q When did you submit the medical claims 10:20:09
11 forms? 10:20:11

12 A Upon -- 10:20:16

13 MS. SULTANIAN: Object to form. 10:20:16

14 A When the patient requested a health 10:20:16
15 insurance claim form, we would populate the data 10:20:19
16 based on their placement file, including the PHI, 10:20:22
17 and send it off to the consumer for their 10:20:24
18 insurance. 10:20:29

19 Q So if I understand correctly, there 10:20:31
20 were circumstances that arise with a Quest 10:20:35
21 patient which AMCA was collecting money for; 10:20:38
22 correct? 10:20:41

23 A Yes. 10:20:43

24 Q Would AMCA submit the claim to medical 10:20:46
25 insurance? 10:20:49

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1 A Yes. 10:20:50
2 MS. SULTANIAN: Object to form. 10:20:51
3 THE WITNESS: We would either bill 10:20:52
4 directly or mail it off to their insurance 10:20:55
5 company. 10:20:57
6 BY MR. VIDEOGRAPHER: 10:20:58
7 Q And you completed these forms on a 10:20:58
8 regular basis? 10:20:59
9 A Yes. 10:21:00
10 Q What percentage of patients would you 10:21:04
11 say you completed these for? 10:21:06
12 A I can't say. 10:21:10
13 MS. SULTANIAN: Object to form. 10:21:11
14 BY MR. AYERS: 10:21:11
15 Q Five percent, 10 percent? 10:21:11
16 A Probably less. 10:21:14
17 Q Less than 10 percent? 10:21:14
18 A Yeah. 10:21:15
19 Q Probably less than 5 percent? 10:21:16
20 A Probably. 10:21:18
21 MS. SULTANIAN: Objection. 10:21:19
22 BY MR. AYERS: 10:21:20
23 Q So -- 10:21:21
24 A The idea was that these were already 10:21:22
25 billed out to insurance. So it was just a few 10:21:23

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1 You're aware that patient information 10:47:08
2 was stored on CHAMP; correct? 10:47:10

3 A Yes. 10:47:13

4 Q And that was both PII as well as PHI; 10:47:14
5 correct? 10:47:18

6 MS. SULTANIAN: Object to form. 10:47:19

7 THE WITNESS: Correct. 10:47:21

8 BY MR. AYERS: 10:47:22

9 Q And you know -- are you familiar with 10:47:23
10 the purpose of CHAMP? Was it used for the call 10:47:25
11 center? 10:47:27

12 A Yes, it was. 10:47:30

13 Q And how was it used? 10:47:31

14 A I didn't work in the call center. I 10:47:35
15 believe they pulled the information up on the 10:47:37
16 screen when speaking to patients so they can have 10:47:39
17 the information right in front of them as far as 10:47:42
18 date of service, what doctor they saw, what tests 10:47:44
19 were performed. 10:47:46

20 Q Okay. Do you know if AMCA used CHAMP 10:47:48
21 to distinguish itself from competitors? 10:47:53

22 MR. COOKE: Object to form. 10:47:56

23 THE WITNESS: I don't know. 10:47:58

24 BY MR. AYERS: 10:47:58

25 Q Do you know if CHAMP was designed to 10:48:01

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1 AMCA have needed insurance information about the 13:37:04
2 patient? 13:37:07

3 MR. AYERS: Objection. 13:37:08

4 THE WITNESS: Yes. 13:37:09

5 BY MS. SULTANIAN: 13:37:10

6 Q Okay. And that includes both a policy 13:37:11
7 number and the insurance name; is that right? 13:37:15

8 MR. AYERS: Objection. 13:37:20

9 THE WITNESS: Yes. 13:37:20

10 BY MS. SULTANIAN: 13:37:21

11 Q Okay. And if you go down a few lines 13:37:22
12 below that, there are two lines there that say 13:37:28
13 383.5 and 388.8. Do you see that? 13:37:31

14 A Yes. 13:37:35

15 Q And the smaller type right above that 13:37:37
16 in the document says Diagnosis or Nature of 13:37:40
17 Illness or Injury. Do you see that? 13:37:44

18 A I do. 13:37:46

19 Q Okay. Are those diagnosis codes, to 13:37:48
20 your knowledge? 13:37:51

21 A They are. 13:37:53

22 Q So AMCA needed diagnosis codes -- the 13:37:56
23 diagnosis codes in order to fill out the HCFA 13:38:00
24 form? 13:38:03

25 MR. AYERS: Objection. 13:38:03

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1 THE WITNESS: Yes. 13:38:04

2 BY MS. SULTANIAN: 13:38:05

3 Q Okay. And then if you look in the 13:38:06
4 next box down from that, you'll see six rows that 13:38:10
5 are filled in that start here 032614. Do you see 13:38:16
6 those rows? 13:38:24

7 A I do. 13:38:25

8 Q And if you go over kind of a third of 13:38:26
9 the way, there are a number of rows that start 13:38:29
10 with the digit 8? 13:38:33

11 A Yes. 13:38:35

12 Q And those are procedures, services or 13:38:37
13 supply codes; do you see that? 13:38:42

14 A I do. 13:38:44

15 MR. AYERS: Objection. 13:38:45

16 BY MS. SULTANIAN: 13:38:45

17 Q So did AMCA need procedure codes 13:38:47
18 pertaining to patients to fill out HCFA forms? 13:38:52

19 MR. AYERS: Objection. 13:38:57

20 THE WITNESS: Yes. 13:38:57

21 BY MS. SULTANIAN: 13:38:58

22 Q And if you go all the way to the 13:38:58
23 bottom of that page, it says -- it has two boxes 13:39:00
24 that have Quest Diagnostics in them. Do you see 13:39:06
25 that? 13:39:10

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1 the O Drive was separate from CHAMP? 13:55:56
2 A Yes. 13:56:00
3 Q I'm going to show you Tab 9, which 13:56:06
4 will be Exhibit 17. 13:56:14
5 (Exhibit 17 was marked.) 13:56:15
6 To circle back on that for one moment, 13:56:29
7 you said that the files were on the O Drive and 13:56:32
8 that's where they stayed. Is it your 13:56:35
9 understanding that the placement files themselves 13:56:38
10 were never loaded to CHAMP? 13:56:40
11 MR. AYERS: Objection. 13:56:42
12 THE WITNESS: I don't know. I 13:56:46
13 assume that the mainframe sent over 13:56:47
14 mainframe data to CHAMP, which is a 13:56:50
15 derivative of each placement, so I'm not 13:56:52
16 sure where that would come from. 13:56:55
17 BY MS. SULTANIAN: 13:56:57
18 Q Okay. I think I'm following, but I 13:56:59
19 want to make sure I understand. I'm asking about 13:57:04
20 the files themselves and not the data that was 13:57:07
21 contained on the files. If I understand 13:57:09
22 correctly -- 13:57:12
23 A Sorry about that. Yeah, files 13:57:13
24 themselves were never sent to CHAMP. 13:57:14
25 Q Okay. Great. 13:57:18

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1 would have fresh information in the morning. So 14:03:23
2 the next day we would check CHAMP just to make 14:03:25
3 sure there was a phone number there and that the 14:03:28
4 name was there and everything was okay with that. 14:03:30
5 We didn't check anything else. We just wanted to 14:03:32
6 make sure that they had a phone number and a 14:03:35
7 name. 14:03:37

8 Q Okay. So it's your understanding that 14:03:40
9 there was an automatic process overnight to pull 14:03:44
10 data from the mainframe into CHAMP; is that 14:03:47
11 right? 14:03:49

12 A Yes. 14:03:50

13 Q And to your knowledge, was all of the 14:03:54
14 information that was stored in mainframe loaded 14:03:56
15 to CHAMP, or only a subset of it? 14:03:59

16 A Only a subset. 14:04:07

17 MR. AYERS: Objection to form. 14:04:08

18 BY MS. SULTANIAN: 14:04:09

19 Q So there might be information on the 14:04:09
20 mainframe that never made it to CHAMP; is that 14:04:11
21 correct? 14:04:12

22 MR. AYERS: Objection, form. 14:04:13

23 THE WITNESS: Yes, that's correct. 14:04:14

24 BY MS. SULTANIAN: 14:04:14

25 Q And if the data in the mainframe was 14:04:24